

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

SHARMELL CUNNINGHAM,

Defendant.

14-CR-109-1 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On March 12, 2021, the Court granted a request by appointed counsel “to hold . . . in abeyance” a motion that Defendant Sharmell Cunningham had filed, without counsel, seeking compassionate release so that Mr. Cunningham could “fully exhaust[] his administrative remedies.” ECF No. 143. Upon reflection, and mindful of the fact that the facts and circumstances are likely to have changed materially since Mr. Cunningham filed his motion on February 3, 2021, the Court concludes that it makes more sense to deny the pending motion without prejudice to renewal by counsel. Accordingly, the motion is DENIED without prejudice. In any renewed motion, counsel should address whether Mr. Cunningham has received a COVID-19 vaccine (and, if not, why) and what bearing that has on the application.

The Clerk of Court is directed to terminate ECF No. 136.

SO ORDERED.

Dated: May 6, 2021
New York, New York


JESSE M. FURMAN
United States District Judge